

DOCKET: CU-2782

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

APPLICANT: Olivier CARLI )  
SERIAL NO: 10/009,998 )  
TITLE: IMPLANT FOR AN OSTEOSYNTHESIS DEVICE, )  
IN PARTICULAR FOR THE SPINE )  
COMPLETION OF PCT/FR01/01644 filed 14 June 2000 )

The Commissioner for Patents (DO/EO/US)  
Box PCT  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
& SUBMITTAL OF COMBINED DECLARATION & POWER OF ATTORNEY**

Dear Sir:

This is in response to the notice dated February 25, 2002, to file missing parts of application, a copy of which is attached.

Simultaneously herewith, applicant is filing a request for a four month extension, effectively extending the term for response from April 25, 2002 up to August 25, 2002.

Applicant submits herewith the original Combined Declaration & Power of Attorney.

Also enclosed is check in the amount of \$130 to cover the government fee for late filing of the Combined Declaration & Power of Attorney. Should any additional fee be deemed necessary, the Commissioner is authorized to charge our Deposit Account No. 12-0400.

With regard to the objection regarding the English translation of the international application, it is respectfully submitted that the translation furnished on December 14, 2001 is identical to that of the published PCT international application. 11 claims appear in the French text of the PCT international application as published as well as the English text translation as submitted on December 14, 2001, noting the dependencies as follows:

<u>Claim</u>	<u>depends</u>	<u>#claims</u>
1	ind.	1
2	1	1
3	1	1
4	3	1
5	2, 3 or 4	3
6	1, 2 or 4	3
7	1 or 5	4
8	1	1
9	2 and 8	2
10	9	2
11	8	<u>1</u>
		20

It is believed that no additional claim fees are due as the multiple dependent claim fee has already been paid.

Respectfully submitted,

August 22, 2002

Date

/27

Brian W. Hameder  
Attorney for Applicant

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Chicago, Illinois 60604  
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/009,998	Olivier Carli	CU-2782 RJS

INTERNATIONAL APPLICATION NO.

PCT/FR01/01644

IA. FILING DATE

PRIORITY DATE

06/14/2000

Ladas & Parry  
 224 South Michigan Avenue  
 Chicago, IL 60604

4-25-02

CONFIRMATION NO. 6943

371 FORMALITIES LETTER



\*OC000000007496995\*

RJS  
 3-6-02  
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Date Mailed: 02/25/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fees
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- English Translation of the IA
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below.
  - The number of claims in the International Application and the number of claims in the translation are not the same.
- Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 months from the priority date (37 CFR 1.492(f)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 20 months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR



TO REC'D PTO

Page 3 of 2  
22 AUG 2002

THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

#5

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- o Additional claim fees of \$162 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$422 for a Large Entity:

- o \$130 Late oath or declaration Surcharge.
- o \$130 for English translation surcharge required.
- o Total additional claim fee(s) for this application is \$162
  - \$162 for 9 total claims over 20.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 305-3661

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,998	PCT/FR01/01644	CU-2782 RJS

FORM PCT/DO/EO/905 (371 Formalities Notice)

00/27/2002 EXAMINED 00000007 120400 100099990

02 FC:154 130.00 09

03 FC:155 120.00 01

04 FC:156 162.00 01